



General Assembly

February Session, 2006

Amendment

LCO No. 4774

SB0038904774SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. GAFFEY, 13th Dist.
SEN. HANDLEY, 4th Dist.
SEN. MCDONALD, 27th Dist.
SEN. MEYER, 12th Dist.
SEN. HARRIS, 5th Dist.
SEN. STILLMAN, 20th Dist.
SEN. DAILY, 33rd Dist.
SEN. MURPHY, 16th Dist.
SEN. HARTLEY, 15th Dist.
SEN. HARP, 10th Dist.
SEN. SLOSSBERG, 14th Dist.

SEN. FINCH, 22nd Dist.
SEN. DUFF, 25th Dist.
SEN. GOMES, 23rd Dist.
SEN. PRAGUE, 19th Dist.
SEN. KISSEL, 7th Dist.
SEN. RORABACK, 30th Dist.
SEN. FREEDMAN, 26th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. CRISCO, 17th Dist.
SEN. COLAPIETRO, 31st Dist.
SEN. DEFRONZO, 6th Dist.
SEN. CIOTTO, 9th Dist.
SEN. MCKINNEY, 28th Dist.

To: Subst. Senate Bill No. 389

File No. 199

Cal. No. 182

(As Amended by Senate Amendment Schedule "A")

**"AN ACT AUTHORIZING MUNICIPALITIES TO ESTABLISH A
SPECIAL ASSESSMENT ON BLIGHTED HOUSING."**

1 Strike sections 501 to 507, inclusive, and insert the following in lieu
2 thereof:

3 "Sec. 501. Section 47a-53 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2006*):

5 (a) Whenever any tenement, lodging or boarding house or any
6 building, structure, excavation, business pursuit, matter or thing in or
7 about such house or the lot on which it is situated, or the plumbing,
8 sewerage, drainage, lighting, paint or ventilation of such house, is, in
9 the opinion of the board of health or other enforcing agency, in a
10 condition which is or in its effect is dangerous or detrimental to life or
11 health, or whenever any tenement, lodging or boarding house in the
12 opinion of the board or enforcing agency, is in violation of the
13 provisions of section 19a-109, the board or other enforcing agency may
14 declare that the same, to the extent specified by the board or other
15 enforcing agency, is a public nuisance. The board or enforcing agency
16 may order such public nuisance to be removed, abated, suspended,
17 altered or otherwise remedied, improved or purified. The board of
18 health or other enforcing agency may also order or cause any tenement
19 house or part thereof, or any excavation, building, structure, sewer,
20 plumbing pipe, paint, passage, premises, ground, matter or thing in or
21 about a tenement, lodging or boarding house or the lot on which such
22 house is situated, to be purified, cleansed, disinfected, removed,
23 altered, repaired or improved.

24 (b) If any order of the board of health or other enforcing agency is
25 not complied with, or not so far complied with as the board or other
26 enforcing agency regards as reasonable, within five days after the
27 service thereof, or within such shorter time as the board or other
28 enforcing agency designates, such order may be executed by the board
29 or other enforcing agency, through its officers, agents, employees or
30 contractors. The expense of executing such order, including an amount
31 not to exceed five per cent of the expense thereof as a service charge
32 and ten per cent of the expense thereof as a penalty shall be collected
33 from the owner by an action in the name of the city, borough or town.

34 (c) (1) Any expense of executing an order, including any service
35 charge and penalty imposed by the board of health or other enforcing
36 agency pursuant to the provisions of subsection (b) of this section, and
37 remaining unpaid for a period of sixty days after its due date shall
38 constitute a lien upon the real estate against which the expense was

39 imposed from the date of such expense, provided a notice of violation
40 is recorded in the land records and indexed in the name of the
41 property owner not later than thirty days after the expense was
42 imposed.

43 (2) Each such lien shall be effective from the time of the recording of
44 the lien on the land records.

45 (3) Any municipal lien filed pursuant to the provisions of this
46 section may be foreclosed in the same manner as a mortgage.

47 (4) Any certificate of lien filed pursuant to this section shall exist
48 from the fifteenth day succeeding the date of entry of such certificate in
49 the land records.

50 (5) Any municipal lien filed pursuant to this section may be
51 discharged or dissolved in the manner provided in sections 49-35a to
52 49-37, inclusive.

53 (6) Each title insurance company issuing a policy for property in this
54 state shall exclude coverage for loss or damage because of a valid
55 existing lien or a future unrecorded lien imposed under this
56 subsection.

57 (d) Any board of health or other enforcing agency imposing an
58 expense, including a service charge and penalty, pursuant to
59 subsection (b) of this section shall maintain a current record of all
60 properties with respect to which such expenses remain unpaid in the
61 office of the municipal clerk. Such record shall be available for
62 inspection by the public.

63 Sec. 502. Section 47a-58 of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective October 1, 2006*):

65 (a) Any enforcing agency may issue a notice of violation to any
66 person who violates any provision of this chapter or a provision of a
67 local housing code. Such notice shall specify each violation and specify
68 the last day by which such violation shall be corrected. The date

69 specified shall not be less than three weeks from the date of mailing of
70 such notice, provided that in the case of a condition, which in the
71 judgment of the enforcing agency is or in its effect is dangerous or
72 detrimental to life or health, the date specified shall not be more than
73 five days from the date of mailing of such notice. The enforcing agency
74 may postpone the last day by which a violation shall be corrected upon
75 a showing by the owner or other responsible person that he has begun
76 to correct the violation but that full correction of the violation cannot
77 be completed within the time provided because of technical
78 difficulties, inability to obtain necessary materials or labor or inability
79 to gain access to the dwelling unit wherein the violation exists.

80 (b) When the owner or other responsible person has corrected such
81 violation, [he] the owner or other responsible person shall promptly,
82 but not later than two weeks after such correction, report to the
83 enforcing agency in writing, indicating the date when each violation
84 was corrected. It shall be presumed that the violation was corrected on
85 the date so indicated, unless a subsequent inspection by the enforcing
86 agency again reveals the existence of the condition giving rise to the
87 earlier notice of violation.

88 (c) Any person who fails to correct any violation prior to the date set
89 forth in the notice of violation shall be subject to a cumulative civil
90 penalty of five dollars per day for each violation from the date set for
91 correction in the notice of violation to the date such violation is
92 corrected, except that in any case the penalty shall not exceed [five]
93 one hundred dollars per day nor shall the total penalty exceed
94 [seventy-five] seven thousand five hundred dollars. The penalty may
95 be collected by the enforcing agency by action against the owner or
96 other responsible person or by an action against the real property. An
97 action against the owner may be joined with an action against the real
98 property.

99 (d) In addition to the penalties specified in this section, the
100 enforcing agency may enforce the provisions of this chapter or a local
101 housing code by injunctive relief pursuant to chapter 916.

102 (e) (1) Any penalty imposed by an enforcing agency pursuant to the
103 provisions of subsection (c) of this section, and remaining unpaid for a
104 period of sixty days after its due date shall constitute a lien upon the
105 real property against which the penalty was imposed from the date of
106 such penalty, provided a notice of violation is recorded in the land
107 records and indexed in the name of the property owner no later than
108 thirty days after the penalty was imposed.

109 (2) Each such lien shall be effective from the time of the recording of
110 the lien on the land records.

111 (3) Any municipal lien filed pursuant to the provisions of this
112 section may be foreclosed in the same manner as a mortgage.

113 (4) Any certificate of lien filed pursuant to this section shall exist
114 from the fifteenth day succeeding the date of entry of such certificate in
115 the land records.

116 (5) Any municipal lien filed pursuant to this section may be
117 discharged or dissolved in the manner provided in sections 49-35a to
118 49-37, inclusive.

119 (6) Each title insurance company issuing a policy for property in this
120 state shall exclude coverage for loss or damage because of a valid
121 existing lien or a future unrecorded lien imposed under this
122 subsection.

123 (f) Any enforcing agency imposing a penalty pursuant to subsection
124 (c) of this section shall maintain a current record of all properties with
125 respect to which such penalty remains unpaid in the office of the
126 municipal clerk. Such record shall be available for inspection by the
127 public.

128 Sec. 503. (NEW) (*Effective October 1, 2006*) Each municipality, in
129 addition to any other notice required under the general statutes or any
130 municipal health, housing or safety codes or regulations, shall send to
131 the first mortgage holder of real estate a copy of any notice by such

132 municipality to the owner of such real estate to demolish, remove or
133 otherwise dispose of the real estate or to make it safe and sanitary
134 issued under any provision of the general statutes or any municipal
135 building, health or safety codes or regulations.

136 Sec. 504. Section 49-73b of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective October 1, 2006*):

138 (a) Any municipality which has incurred expenses for the
139 inspection, repair, demolition, removal or other disposition of any real
140 estate in order to secure such real estate or to make it safe and sanitary
141 under any provision of the general statutes or any municipal building,
142 health, housing or safety codes or regulations shall have the right to
143 recover such expenses from the owner of the real estate for which such
144 expenses were incurred.

145 (b) The interest of each person in such real estate shall be subject to a
146 lien for the payment of such expenses, which lien shall take precedence
147 over any other encumbrance except municipal tax assessments on such
148 real estate. No such lien shall be valid, unless the municipality, within
149 thirty days after such work has ceased, files a certificate of such lien
150 and gives notice to the owner of the real estate in the same manner as
151 provided in section 49-34.

152 (c) The interest of each person in the proceeds of any policy
153 providing insurance coverage issued by an insurance company for a
154 loss to a covered residential or commercial structure, including any
155 policy written pursuant to the provisions of section 38a-670, shall be
156 subject to a lien on such proceeds for the expenses incurred by a
157 municipality pursuant to the provisions of subsection (a) of this
158 section, provided such municipality, within thirty days after such
159 work has ceased, files a certificate of such lien and gives notice to such
160 interested person in the same manner as provided in section 49-34.

161 (d) Any municipal lien filed pursuant to the provisions of this
162 section may be foreclosed in the same manner as a mortgage.

163 (e) Any certificate of lien filed pursuant to this section shall exist
164 from the fifteenth day succeeding the date of entry of such certificate in
165 the land records.

166 (f) Any municipal lien filed pursuant to this section may be
167 discharged or dissolved in the manner provided in sections 49-35a to
168 49-37, inclusive.

169 (g) Nothing in this section shall prevent an insured owner,
170 mortgagee, assignee or other interested party from negotiating a
171 dissolution of any such lien on the insurance proceeds, enabling the
172 insurance company to disburse said proceeds.

173 (h) The provisions of this section shall not apply to policies on
174 single-family or two-family dwellings.

175 Sec. 505. (NEW) (*Effective October 1, 2006*) The amount of the cost to
176 any municipality for the inspection, repair, demolition, removal or
177 other disposition of any real estate in order to secure such real estate or
178 to make it safe and sanitary, pursuant to any provision of the general
179 statutes or municipal health, housing or safety codes or regulations,
180 shall be assessed against the real estate upon which such cost was
181 incurred. Upon certification by the municipal agency incurring such
182 cost of the assessment amount due and owing, the tax collector shall
183 add the amount of such assessment to the taxes due on such real estate
184 and such amount shall become a part of the taxes to be collected at the
185 same time and with interest at such rates and in such manner as
186 provided for delinquent taxes in accordance with section 12-146 of the
187 general statutes. Any amount added to the assessment under this
188 section shall constitute a lien upon the real estate against for which the
189 amount was imposed from the date such amount was due. Each such
190 lien may be continued, recorded and released in the manner provided
191 by the general statutes for continuing, recording and releasing
192 property tax liens. Each such lien may be enforced in the same manner
193 as property tax liens.

194 Sec. 506. Subdivision (10) of subsection (c) of section 7-148 of the

195 general statutes is repealed and the following is substituted in lieu
196 thereof (*Effective October 1, 2006*):

197 (10) (A) Make all lawful regulations and ordinances in furtherance
198 of any general powers as enumerated in this section, and prescribe
199 penalties for the violation of the same not to exceed [one hundred] two
200 hundred fifty dollars, unless otherwise specifically provided by the
201 general statutes. Such regulations and ordinances may be enforced by
202 citations issued by designated municipal officers or employees,
203 provided the regulations and ordinances have been designated
204 specifically by the municipality for enforcement by citation in the same
205 manner in which they were adopted and the designated municipal
206 officers or employees issue a written warning providing notice of the
207 specific violation before issuing the citation;

208 (B) Adopt a code of ethical conduct;

209 (C) Establish and maintain free legal aid bureaus;

210 (D) Perform data processing and related administrative computer
211 services for a fee for another municipality;

212 (E) Adopt the model ordinance concerning a municipal freedom of
213 information advisory board created under subsection (f) of section 1-
214 205 and establish a municipal freedom of information advisory board
215 as provided by said ordinance and said section.

216 Sec. 507. Subsection (b) of section 51-164n of the 2006 supplement to
217 the general statutes is repealed and the following is substituted in lieu
218 thereof (*Effective October 1, 2006*):

219 (b) Notwithstanding any provision of the general statutes, any
220 person who is alleged to have committed (1) a violation under the
221 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
222 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
223 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, as amended, 12-292,
224 or 12-326g, as amended, subdivision (4) of section 12-408, subdivision

225 (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,
226 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, as
227 amended, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253,
228 subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-
229 336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a),
230 (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section
231 14-12, as amended, section 14-20a or 14-27a, subsection (e) of section
232 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, as
233 amended, 14-50a or 14-58, subsection (b) of section 14-66, as amended,
234 section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80,
235 subsection (f) of section 14-80h, as amended, section 14-97a, 14-100b,
236 14-103a, 14-105a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a
237 first violation as specified in subsection (f) of section 14-164i, section
238 14-219 as specified in subsection (e) of said section, subdivision (1) of
239 section 14-223a, as amended, section 14-240, 14-249, as amended, or 14-
240 250, as amended, subsection (a), (b) or (c) of section 14-261a, section 14-
241 262, 14-264, 14-267a, 14-269, 14-270, as amended, 14-275a, 14-278 or 14-
242 279, subsection (e) of section 14-283, as amended, section 14-291, 14-
243 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,
244 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection
245 (a) of section 15-115, section 16-256, 16-256e, 16a-15, as amended, or
246 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,
247 as amended, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-
248 137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,
249 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-
250 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
251 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
252 425, 19a-502, 20-7a, as amended, 20-14, 20-158, 20-231, 20-257, 20-265 or
253 20-324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608,
254 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, as amended, 21-
255 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
256 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
257 79, as amended, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-
258 13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, as
259 amended, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-

89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, as amended, subsection (e) of section 22a-256h, subsection (a) of section 22a-381d, section 22a-449, as amended, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, as amended, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, as amended, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, as amended, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 508. Section 51-164p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) Notwithstanding any provision of any special act, local law or the general statutes to the contrary, any violation of any ordinance,

294 regulation or bylaw of any town, city or borough, except violations of
295 building codes and the health code, for which the penalty does not
296 exceed ninety dollars shall be an infraction as provided for in sections
297 51-164m and 51-164n, as amended by this act.

298 (b) Notwithstanding any provision of any special act, local law or
299 the general statutes, any violation of any ordinance, regulation or
300 bylaw of any town, city or borough, except violations of building codes
301 and the health code, for which the penalty exceeds ninety dollars but
302 does not exceed two hundred fifty dollars shall be a violation as
303 provided for in sections 51-164m and 51-164n, as amended by this act."